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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Thomas B Schaults CQV Trust,
Plaintiff,
v.
LoanDepot Company LLC, et al
Defendants.

No. CV-23-00091-PHX-DJH

ORDER

Pending before the Court is *pro se* Thomas B Schaults CQV Trust’s (“Plaintiff”) *Ex Parte* Motion for Restraining Order (“TRO”) (Doc. 7). Therein, Plaintiff requests the Court to issue a TRO before February 4, 2023, to “prevent irreparable harm.” (*Id.* at 3). The Motion will be denied.

On January 17, 2023, Plaintiff filed a Complaint and a Petition for Emergency Restraining or Injunction to Terminate Unlawful Foreclosure Sale—Enforcement of Federal Arbitration Act Arbitration Award, which the Court construed as a Motion for a Temporary Restraining Order. (Doc. 1). On January 20, 2023, the Court dismissed Plaintiff’s Complaint for failure to satisfy the federal pleading requirements under Fed. R. Civ. P. 8(a). (Doc. 6 at 2). This was because Plaintiff’s Complaint did “not specify the relief requested nor [] provide sufficient information from which the Court [could] determine its subject matter jurisdiction.” (*Id.*) The Court also denied Plaintiff’s Motion for a TRO because Plaintiff failed to discuss the relevant standards governing temporary restraining orders, namely the *Winter* elements. *See Winter v. Nat. Res. Def. Council, Inc.*,

1 555 U.S. 7, 24 (2008).

2 Plaintiff has not filed an amended complaint and thus there is no operative complaint
3 in this matter. As a result, neither the Court nor the defendants are on notice of which
4 claims Plaintiff is seeking emergency relief on. Plaintiff has also failed to explain the
5 reason *ex parte* relief is required. Indeed, the foreclosure is not until February 4, 2023, and
6 Plaintiff has not described what, if any, harm he would suffer by putting the defendants on
7 notice of this lawsuit. Last, injunctive relief is an “extraordinary remedy,” and Plaintiff
8 bears a high burden to prove injunctive relief is warranted. *Winter v. Nat. Res. Def.*
9 *Council, Inc.*, 555 U.S. 7, 24 (2008). Plaintiff has not even attempted to discuss or meet
10 this burden here, and the Motion is therefore denied.

11 Accordingly,

12 **IT IS HEREBY ORDERED** that Plaintiff’s *Ex Parte* Motion for Restraining Order
13 (Doc. 7) is **denied**.

14 Dated this 25th day of January, 2023.

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Honorable Diane J. Humetewa
United States District Judge